

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SHIHSIANG LIAO, a/k/a Shih-Siang Shawn Liao,

Plaintiff,

v.

9:13-CV-1497
(GTS/DEP)

FAISAL MALIK, Civilian Employee, Gouverneur
Correctional Facility f/k/a S. Malik,

Defendant.

APPEARANCES:

OF COUNSEL:

SHIHSIANG LIAO

Plaintiff, *Pro Se*

P.O. Box 472

Wassaic, New York 12592

HON. ERIC T. SCHNEIDERMAN

Attorney General for the State of New York

Counsel for Defendants

The Capitol

Albany, New York 12224

KEITH J. STARLIN, ESQ.

Assistant Attorney General

GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* prisoner civil rights action filed by Shihsiang Liao, a/k/a Shih-Siang Shawn Liao (“Plaintiff”) against state correctional employee Faisal Malik (“Defendant”), are Defendant’s motion for summary judgment and United States Magistrate Judge David E. Peebles’ Report-Recommendation recommending that Defendant's motion be granted. (Dkt. Nos. 41, 45.) Plaintiff has not filed an objection to the Report-Recommendation, and the deadline by which to do so has expired. (*See generally* Docket Sheet.) After carefully reviewing the relevant papers herein, including Magistrate Judge Peebles’ thorough Report-

Recommendation, the Court can find no clear-error in the Report-Recommendation.¹ Magistrate Judge Peebles employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein, Defendant's motion is granted; and Plaintiff's Complaint is dismissed.

ACCORDINGLY, it is

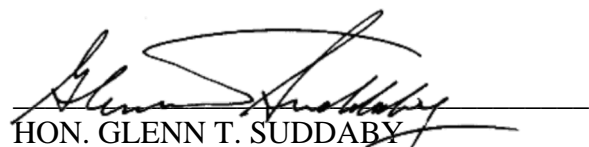
ORDERED that Magistrate Judge Peebles' Report-Recommendation (Dkt. No. 45) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Defendant's motion for summary judgment (Dkt. No. 41) is **GRANTED**; and it is further

ORDERED that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED** in its entirety; and it is further

ORDERED that the Clerk of the Court shall enter Judgment for Defendant and close this action.

Dated: March 22, 2016
Syracuse, New York


HON. GLENN T. SUDDABY
Chief United States District Judge

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).